

P19157.A07



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kiyoshi TOYODA Confirmation No.: 2077

Serial No : 09/514,649 Group Art Unit: 2622

Filed : February 29, 2000 Examiner: JONES, David

For : IMAGE COMMUNICATION APPARATUS AND
IMAGE COMMUNICATION METHOD

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
UNINTENTIONALLY ABANDONED UNDER 37 CFR 1.137(b),
WHEREIN THE ENTIRE DELAY WAS UNINTENTIONAL**

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

The above-identified application became abandoned for failure to timely respond to a Final Official Action within the shortened statutory time period set forth in 37 C.F.R. 1.134. More specifically, this application was abandoned because of a docketing error.

11/24/2004 EABUBAK1 00000055 09514649

02 FC:1453

1370.00 DP

Accordingly, Applicant hereby petitions for revival of this application based on an unintentional failure to timely respond to an outstanding Official Action by the inextendible due date of November 8, 2004, due to a docketing error, and notes that the Advisory Action (wherein the Examiner refused to enter the Amendment Under 37 C.F.R. §1.116 filed on July 6, 2004), was mailed on November 16, 2004 (*after* the inextendible due date).

Further, Applicant submits herewith the following:

- (1) A check in the amount of \$1370.00 which includes the petition fee pursuant to 37 C.F.R. 1.17(m), for revival of an unintentionally abandoned application.
- (2) A Request for Continued Examination Under 37 C.F.R. §1.114; and
- (3) An Amendment Under 37 C.F.R. §1.114.

In summary, Applicant hereby petitions for the late acceptance of the above papers and the revival of this application as having become unintentionally abandoned because of the failure to timely respond to a Final Official Action within the time period set in 37 C.F.R. 1.134. Applicant respectfully submits that the entire delay in filing the required reply to the outstanding Official Action was unintentional.

Please charge any fees necessary for consideration of the papers filed herein to Deposit Account No. 19-0089.

Respectfully submitted,
Kiyoshi TOYODA

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November 23, 2004
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P19157.A06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 09/514,649	Confirmation No.	: 2077
		Docket No.	: P19157
Applicant	: Kiyoshi TOYODA	Customer No.	: 7055
Filed	: February 29, 2000	Examiner	: JONES, DAVID
For	: IMAGE COMMUNICATION APPARATUS AND IMAGE COMMUNICATION METHOD		

AMENDMENT UNDER 37 C.F.R. 1.114

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir :

Concurrently with the filing of a Request for continued examination (RCE),
Applicant requests entry of the present amendment and remarks together with the
allowance of all the claims pending herein.

Amendments to the claims are reflected in the listing of claims which begins on
page 2 of this paper.

Remarks/Arguments begin on page 11 of this paper.

AMENDENTS TO THE CLAIMS

Please cancel claims 1-16 without prejudice or disclaimer.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-16 (canceled).

Claim 17. (currently amended) An image communication apparatus comprising:

a receiver configured to receive image data from a transmitting facsimile apparatus via a public switched phone network;

a printer configured to print the received image data; and

a controller configured to:

convert the received image data to data for Internet transmission;

attach the converted data to an e-mail; and

transmit the e-mail to a management center, the management center configured to manage information that the image communication apparatus receives and further configured to connect to the image communication apparatus via the Internet, the transmitted e-mail comprising the same image data as the received image data printed by the printer.

Claim 18. (previously presented) The image communication apparatus according to claim 17, wherein the management center is configured to store

information that the image communication apparatus receives, the information being browsed by a supervisor of the management center.

Claim 19. (currently amended) An image communication apparatus comprising:

a receiver configured to receive image data from a transmitting facsimile apparatus via a public switched phone network; and

a controller configured to:

convert the received image data to data for Internet transmission;

attach the converted data to an e-mail; and

transmit the e-mail to a management center, the management center configured to manage information that the image communication apparatus receives and further configured to connect to the image communication apparatus via the Internet,

~~The image communication apparatus according to claim 17, wherein:~~

the controller being further configured to:

~~determines determine whether a transmission destination is the management center based, on a received error mail, the received error mail indicating that the transmitting e-mail did not reach the transmission destination;~~

~~and~~

~~the controller further prints print the received error mail when the transmission destination is the management center; and~~

prints print a predetermined part of the received error mail when the transmission destination is not the management center.

Claim 20. (currently amended) An image communication apparatus comprising:

a scanner configured to scan image data;

a panel configured to input an address of a destination; and

a controller configured to:

convert the received image data to data for Internet transmission;

attach the converted data to an e-mail; and

transmit the e-mail to the destination input by the panel and to a management center, the management center configured to manage information that the image communication apparatus transmits to the destination, and further configured to connect to the image communication apparatus via the Internet, the management center being distinct from the destination input by the panel.

Claim 21. (previously presented) The image communication apparatus according to claim 20, wherein the management center stores information that the image communication apparatus transmits to the destination, the information being browsed by a supervisor of the management center.

Claim 22. (previously presented) The image communication apparatus according to claim 20, wherein the controller sets a mail address of a transmission

destination in a “To” field of the e-mail and sets a mail address of the management center in a “Bcc” field of the e-mail.

Claim 23. (currently amended) An image communication apparatus comprising:

a scanner configured to scan image data;

a panel configured to input an address of a destination; and

a controller configured to:

convert the received image data to data for Internet transmission;

attach the converted data to an e-mail; and

transmit the e-mail to the destination and to a management center,

the management center configured to manage information that the image

communication apparatus transmits to the destination, and further configured to

connect to the image communication apparatus via the Internet,

The image communication apparatus according to claim 20, wherein:

the controller being further configured to:

determines determine whether a transmission destination is the
management center based on a received error mail, the received error mail
indicating that the transmitting e-mail did not reach the transmission destination;

and

the controller further prints print the received error mail when the
transmission destination is the management center, ; and

prints print a predetermined part of the received error mail when the transmission destination is not the management center.

Claim 24. (currently amended) An image communication apparatus comprising:

a facsimile transmitter configured to transmit image data to a destination based on a facsimile protocol; and

an e-mail transmitter configured to:

convert the image data to data for Internet transmission;

attach the converted data to an e-mail; and

transmit the e-mail to a management center, the management center configured to manage image data that is transmitted by the facsimile transmitter, and further configured to connect to the image communication apparatus via the Internet, the transmitted e-mail corresponding to the image data transmitted by the facsimile transmitter.

Claim 25. (previously presented) The image communication apparatus according to claim 24, wherein the management center stores image data that is transmitted by the facsimile transmitter, the image data being browsed by a supervisor of the management center.

Claim 26. (previously presented) The image communication apparatus according to claim 24, wherein the e-mail transmitter sets an e-mail address of the management center in a “To” field of the e-mail.

Claim 27. (currently amended) An image communication apparatus comprising:

a facsimile transmitter configured to transmit image data to a destination based on a facsimile protocol;

an e-mail transmitter configured to:

convert the image data to data for Internet transmission;

attach the converted data to an e-mail; and

transmit the e-mail to a management center, the management center configured to manage image data that is transmitted by the facsimile transmitter, and further configured to connect to the image communication apparatus via the Internet; and

~~The image communication apparatus according to claim 24, wherein the image communication apparatus comprises—~~

a controller which configured to:

~~determines determine whether the transmission destination is the management center, based on a received error mail, the received error mail indicating that the transmitting e-mail did not reach a transmission destination; and~~

~~the controller further is configured to print the received error mail when the transmission destination is the management center, and to ; and~~

print a predetermined part of the received error mail when the transmission destination is not the management center.

Claim 28. (currently amended) An image communication method comprising:

receiving image data from a transmitting facsimile apparatus via public switched phone network;

printing the receiving image data;

converting the received image data to data for Internet transmission;

attaching the converted data to an e-mail; and

transmitting the e-mail to a management center via the Internet, the management center managing received information, the transmitted e-mail corresponding to the printed image data.

Claim 29. (previously presented) The image communication method according to claim 28, wherein the management center stores information that the image communication apparatus receives, the information being browsed by a supervisor of the management center.

Claim 30. (currently amended) An image communication method comprising:

scanning image data;

inputting an address of a destination;

converting the received image data to data for Internet transmission;

attaching the converted data to an e-mail; and

transmitting the e-mail to the input destination via the Internet and to a management center via the Internet, the management center managing information transmitted to the destination, the management center being distinct from the input destination.

Claim 31. (previously presented) The image communication method according to claim 30, wherein the management center stores information that is transmitted to the destination, the information being browsed by a supervisor of the management center.

Claim 32. (previously presented) The image communication method according to claim 30, wherein a mail address of a transmission destination is set in a “To” field of the e-mail, and a mail address of the management center is set in a “Bcc” field of the e-mail.

Claim 33. (currently amended) An image communication method comprising:

facsimile transmitting image data to a destination based on a facsimile protocol;

converting the image data to data for Internet transmission;

attaching the converted data to an e-mail; and

e-mail transmitting the e-mail to a management center via the Internet, the management center managing image data that is facsimile transmitted, the e-mail transmitted e-mail corresponding to the facsimile transmitted image data.

Claim 34. (previously presented) The image communication method according to claim 33, wherein the management center stores image data that is facsimile transmitted, the image data being browsed by a supervisor of the management center.

Claim 35. (previously presented) The image communication apparatus according to claim 33, wherein an e-mail address of the management center is set in a “To” field of the e-mail.

REMARKS/ARGUMENTS

Upon entry of the present amendment, claims 17, 19-20, 23-24, 27-28, 30, and 33 will have been amended, with claims 17-35 remaining pending for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided.

Turning to the merits of the action, the Examiner has objected to claims 19, 23, and 27, as being dependent upon a rejected base claim, but has indicated the allowability thereof if amended into independent form. By the present amendment, Applicant has rewritten these claims in independent form including all of the limitations their respective base claims. Thus, Applicant respectfully requests the allowance of these claims.

The Examiner has rejected claims 17-18, 24-25-, 28-29, and 33-34 under 35 U.S.C. § 102 (e), as being anticipated by FREEMAN (U.S. Patent No. 6,020,980). The Examiner has also rejected claims 20 and 30 under 35 U.S.C. § 103 (a), as being unpatentable over MORI (U.S. Patent No. 6,020,980), and further at a telephone discussion between the Examiner and Applicant's representative,

attorney William BOSHNICK, the Examiner also indicated that dependent claims 21, 22, 26, 31 and 32, were rejected under 35 U.S.C § 103 (a).

These claims are submitted to be patentable over the cited and applied references based on arguments and remarks set forth in the reply filed on July 6, 2004, which are incorporated herein by reference.

As noted above, Applicant has amended claims 17 and 28, and claims 17 35 remain pending. In view of the herein-contained amendments and remarks, Applicant respectfully traverses the above rejection, based on the pending claims and will discuss said rejection with respect to the pending claims in the present application as will be set forth hereinbelow.

Applicant's independent claim 17 generally relates to an image communication apparatus which has a receiver configured to receive image data from a transmitting facsimile apparatus via public switched phone network, and has a printer configured to print the received image data. The claimed image communication apparatus further has a controller which converts the received image data to data for Internet transmission, attaches the converted data to an e-mail, and transmits the e-mail to a management center. The claimed management center manages information that the image communication apparatus receives and further is configured to connect to the image communication apparatus via the Internet. The transmitted e-mail comprises the same image data as the received image data printed by the printer. Claim 28 generally recites a related method.

Applicant's independent claim 24 generally relates to an image communication apparatus which has a facsimile transmitter configured to transmit image data to a destination based on a facsimile protocol. The claimed image communication apparatus further has an e-mail transmitter which converts the image data to data for Internet transmission, attaches the converted data to an e-mail, and transmits the e-mail to a management center. The claimed management center manages image data that is transmitted by the facsimile transmitter and further is configured to connect to the image communication apparatus via the Internet. The claimed e-mail transmitted by the e-mail transmitter corresponds to the image data transmitted by the facsimile transmitter. Claim 33 generally recites a related method.

With respect to the Examiner's rejection under 35 U.S.C § 102 (e), FREEMAN, to the contrary, relates to a system and a method in which the facsimile server device 120 receives facsimile transmissions, reforms the facsimile transmissions into computer file formats selected by a subscriber, and sends the reformed files to the e-mail system 130. FREEMAN merely discloses a facsimile server device 120 which reformats the received facsimile transmissions into computer file formats, and sends the reformatted files to the e-mail system 130. FREEMAN neither teaches nor suggests that the facsimile server device 120 has a printer configured to print the received facsimile transmission and further transmits, to the e-mail system 130, the e-mail comprising the same facsimile

transmission as the received facsimile transmission printed by the printer. Thus, FREEMAN does not disclose the image communication apparatus which prints received image data and transmits, to the claimed management center, an e-mail comprising the same image data as the received image data printed by the printer, as substantially claimed in Applicant's independent claims 17 and 28.

Therefore, it is respectfully submitted that the features recited in Applicant's independent claims 17 and 28 are not disclosed in FREEMAN, and it is requested that the Examiner withdraw the rejection of these claims, as well as the claims dependent therefrom.

As explained above, FREEMAN merely teaches a facsimile server device 120 which reformats the received facsimile transmissions into computer file formats, and sends the reformatted files to the e-mail system 130. Thus, FREEMAN does not disclose transmitting image data to a destination, based on a facsimile protocol, and further transmitting, to a management center, an e-mail corresponding to the image data transmitted based on the facsimile protocol. Therefore, FREEMAN does not disclose the image communication apparatus which transmits image data to a destination based on a facsimile protocol and transmits, to the claimed management center, an e-mail corresponding to the image data transmitted by the facsimile transmitter, as substantially claimed in Applicant's independent claims 24 and 33.

Therefore, it is respectfully submitted that at least the features recited in Applicant's independent claims 24 and 33 are not disclosed in FREEMAN, and it is requested that the Examiner withdraw the rejection of these claims, as well as the claims dependent therefrom.

Absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation can not be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 17, 24, 28, and 33 and the claims dependent therefrom, these claims are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102.

With respect to the Examiner's rejection under 35 U.S.C. § 103 (a), Applicant's independent claim 20 generally relates to an image communication apparatus which has a scanner configured to scan image data and a panel configured to input an address of a destination. The claimed image communication apparatus has a controller which converts the received image data to data for Internet transmission, attaches the converted data to an e-mail, and transmits the e-mail to the destination input by the panel and to a management center. The claimed management center manages information that the image communication apparatus transmits to the destination and further is configured to connect to the image communication apparatus via the Internet. The claimed management center is

distinct from the destination input by the panel. Claim 30 generally recites a related method.

To the contrary, MORI relates to an Internet facsimile apparatus in which a user performs a transmission manipulation, the contents input through the transmission manipulation are analyzed, header information is created for an e-mail, transmitted image information is created, the transmitted image information is transformed into the MIME format, and the created information is transmitted to an associated mail server. However, MORI does not teach that the Internet facsimile apparatus MORI transmits the e-mail both to a destination input by the user and to a management center which is distinct from the destination input by the user. For example, MORI merely discloses “the main text information created at Step S 105 is transmitted to the associated mail server (Step S 106)” (See MORI at col. 8, lines 10-12). Thus, MORI does not disclose the image communication apparatus which transmits an e-mail to a destination input by the panel and to a management center being distinct from the destination input by the panel, as cited in Applicant’s independent claims 20 and 30.

Further, with respect to the Examiner’s assertion regarding MORI, Applicant submits that this assertion is entirely without support and requests that the Examiner cite at least one reference in support of this assertion (together with a proper motivation to combine it with MORI), if the Examiner chooses to maintain this rejection.

Therefore, it is respectfully submitted that at least the above noted features as recited in Applicant's independent claims 20 and 30 are not disclosed by MORI. The pending claims are submitted to also be patentable over the Examiner's proposed reference, since MORI does not disclose the unique combination of features recited in Applicant's independent claims 20 and 30.

Nevertheless, with respect to the Examiner's rejection of the dependent claims, since corresponding claims 21-22 and 31-32 are dependent from an allowable independent claim, which is allowable for at least the reasons discussed *supra*, these claims are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record. Accordingly, the Examiner is respectfully requested to withdraw all rejections under 35 U.S.C. § 103 (a).

Applicant also notes that claim 26 and 35 are dependent claims not of independent claims 20 and 30, but of independent claim 24 and 33, respectively. Thus, Applicant respectfully submits that it is not appropriate to reject claims 26 and 35, based on the reference for rejecting claims 20 and 30. Nevertheless, as these claims are respectively dependent from allowable claims 24 and 33, these independent claims being allowable for at least the reasons discussed *supra*, these dependent claims are also allowable.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding objection and rejections, and an indication of the allowability of all the claims pending in the present application in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended several claims for consideration by the Examiner. With respect to the pending claims, Applicant has eliminated the basis for the rejection. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and with respect to the claimed features argued as deficient in the prior art, should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. Applicant further expressly includes the arguments submitted in Applicant's previous response filed on February 20, 2004. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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November 22, 2004
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